

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.¹

PROMESA

Title III

No. 17 BK 3283-LTS

**Re: ECF Nos. 6871, 6879, 7084,
7312, 7534, 7845, 8207, 8383, 8496,
8587, 8709, 8783, 8788**

(Jointly Administered)

MOTION INFORMING COMPLIANCE WITH RULE 2004 REQUEST

To the Honorable United States Magistrate Judge Judith Gail Dein:

The Commonwealth of Puerto Rico (the “Debtor”) respectfully informs that on October 11, 2019, it complied with the Rule 2004 discovery requested by Cuerpo Organizado de la Policia, Inc.’s (“Movant” or “COPI”, in its Spanish acronym), and submits this motion for entry of an order, substantially in the form attached hereto as **Exhibit A** (the “Proposed Order”).²

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747). (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

² The Financial Oversight and Management Board for Puerto Rico, as the Debtor’s representative pursuant to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”), has authorized the Department of Justice to file this Urgent Motion on behalf of the Commonwealth.

Request for Relief

1. On May 8, 2019, the Cuerpo Organizado de la Policia, Inc. (“Movant”), filed a *Motion of Cuerpo Organizado de la Policia, Inc. for Order, Under Bankruptcy Rule 2004, Authorizing Discovery of Title III Debtors Other than COFINA, Concerning Salaries Owed Pursuant to Pay Scales Granted by Law* [ECF No. 6871] (the “Motion”), requesting that the Court: (i) authorize the Movant’s request for production of documents concerning salaries owed for past promotions that have allegedly not been paid by the Puerto Rico Police Department; (ii) authorize the issuance of the document request contained in Exhibit B of the Motion; and (iii) direct the Debtor to meet and confer with Movant regarding the timing of the production. Motion p. 8.

2. On September 30, 2019, the Court entered the Amended Scheduling Order which provided that any response to the Motion must be filed by October 11, 2019 and Movant’s reply by October 18, 2019 [ECF No. 8788].

3. On October 11, 2019, the Debtor diligently complied with Movant’s Rule 2004 request [ECF No. 6871] by providing the information requested as to the agents that are creditors of owed salaries. As to other agents, we confirmed that they received payment of salaries owed to them; some of which signed a waiver or accepted the payment as an accord and satisfaction; thus, are not creditors.

4. Specifically, the Debtor produced the following documents as to the agents who have yet to receive payments of owed salaries: (1) Accumulative Cards (“Tarjetas Acumulativas”); and (2) Human Resources PACE Sheet (as to those who are active members of the Police).

5. Consequently, the Debtor respectfully requests that the Court enter the Proposed Order to determine that Movant's Rule 2004 request was complied with.

Notice

6. The Debtor has provided notice of this motion in accordance with the Case Management Procedures to the following parties: (a) the Office of the United States Trustee for the District of Puerto Rico; (b) the indenture trustees and/or agents, as applicable, for the Debtors' bonds; (c) the entities on the list of creditors holding the 20 largest unsecured claims against COFINA; (d) counsel to the statutory committees appointed in these Title III cases; (e) the Office of the United States Attorney for the District of Puerto Rico; (f) counsel to the Oversight Board; (g) the Puerto Rico Department of Justice; (h) the Other Interested Parties;³ (i) all parties filing a notice of appearance in these Title III cases; and (j) Movant. A copy of the motion is also available on the Debtors' case website at <https://cases.primeclerk.com/puertorico/>.

7. The Debtor submits that, in light of the nature of the relief requested, no other or further notice need be given.

WHEREFORE, the Debtor requests the Court enter the Proposed Order and grant such other relief as is just and proper.

Dated: October 11, 2019
San Juan, Puerto Rico

³ The "Other Interested Parties" include the following: (i) counsel to certain of the insurers and trustees of the bonds issued or guaranteed by the Debtors; and (ii) counsel to certain ad hoc groups of holders of bonds issued or guaranteed by the Debtors.

Respectfully submitted,

DENNISE N. LONGO-QUIÑONES

Secretary of Justice

WANDYMAR BURGOS-VARGAS

Deputy Secretary in Charge of Litigation

SUSANA PEÑAGARÍCANO-BROWN

Director of Legal Affairs

Federal Litigation and Bankruptcy Division

/s/ **Juan C. Ramírez-Ortiz**

JUAN C. RAMÍREZ-ORTIZ

USDC-PR No. 306507

Department of Justice of Puerto Rico

Federal Litigation Division

P.O. Box 9020192

San Juan, Puerto Rico 00902-0192

Email: juramirez@justicia.pr.gov

Phone: (787)721-2900, ext. 1421

Attorneys for

the Commonwealth of Puerto Rico

Exhibit A

Proposed Order